

SIMONS HALL JOHNSTON PC  
690 Sierra Rose Drive  
Reno, NV 89511  
Phone: (775) 785-0088

1 ANTHONY L. HALL, ESQ.  
Nevada Bar No. 5977  
2 [AHall@SHJNevada.com](mailto:AHall@SHJNevada.com)  
JONATHAN A. MCGUIRE, ESQ.  
3 Nevada Bar No. 15280  
[JMcGuire@SHJNevada.com](mailto:JMcGuire@SHJNevada.com)  
4 SIMONS HALL JOHNSTON PC  
690 Sierra Rose Drive  
5 Reno, Nevada 89511  
Telephone: (775) 785-0088

6 *Attorneys for Plaintiff Jaime Martorell*  
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10 UNITED STATES DISTRICT COURT  
11 DISTRICT OF NEVADA

12 JAIME MARTORELL, an individual,  
13  
14 Plaintiff

15 v.

16 DEBASHIS BAGCHI, an individual, and  
JON BENGSTON, an individual,  
17 Defendants.  
18  
19  
20

CASE NO.: 3:19-cv-00523-MMD-CLB

**STIPULATION TO STAY CASE AND  
VACATE TRIAL; [PROPOSED] ORDER  
PURSUANT THERETO**

21 The parties hereto, Plaintiff Jaime Martorell (“Plaintiff”) and Defendants, Debashis Bagchi  
22 and Jon Bengston, (“Defendants”), by and through their respective counsel of record, hereby enter  
23 into the below stipulation:

- 24 A. As of October 2, 2023, the Parties have executed a settlement agreement and release  
25 of all claims (“Agreement”).  
26 B. The terms of the Agreement require Defendants to make three (3) payments: (1)  
27 thirty-thousand dollars (\$30,000.00) immediately payable upon the signing of the  
28 Agreement; (2) one-hundred and five thousand dollars (\$105,000) due November 1,

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2023; (3) one-hundred and five thousand dollars (\$105,000) due on January 2, 2024.

C. As of October 11, 2023, Defendants had successfully completed the first payment to be made pursuant to the Agreement.

D. As of November 1, 2023, Defendants successfully completed the second payment pursuant to the Agreement.

E. To permit Defendants the requisite amount of time to complete the remaining payments, the Parties are mutually requesting that this Court stay this case for all purposes until January 3, 2024.

F. The Parties jointly stipulate and request that this Court vacate the trial scheduling conference currently set for November 13, 2023.

G. The Parties jointly stipulate and request that this Court also vacate the bench trial that is currently set for the December 5, 2023, trial stack.

H. In the event Defendants satisfy all of their obligations pursuant to the Agreement, the Parties intend to file a stipulation for dismissal pursuant to FRCP 41(a)(1)(A)(ii) as soon as practicable after the January 2, 2024, payment is received.

I. In the event Defendants fail to satisfy all of their obligations pursuant to the Agreement, the Agreement contains a number of admissions of liability. As such, in the event it becomes necessary, Plaintiff will promptly notify the Court and the Parties will work collaboratively to reset the trial in this matter.

1 DATED November 7, 2023

DATED November 7, 2023

2 BY: /s/Anthony L. Hall, Esq.  
3 Anthony L. Hall, Esq.  
4 Jonathan A. McGuire, Esq.  
5 Simons Hall Johnston PC  
6 690 Sierra Rose Drive  
7 Reno, Nevada 89511  
8 Tel: (775) 785-0088  
9 [ahall@shjnevada.com](mailto:ahall@shjnevada.com)  
10 [jmcguire@shjnevada.com](mailto:jmcguire@shjnevada.com)

BY: /s/ Charles R. Zeh, Esq.  
Charles R. Zeh, Esq.  
Pete Cladianos III, Esq.  
The Law Offices of Charles R. Zeh, Esq.  
50 West Liberty Street, Suite 950  
Reno, NV 89501  
Tel: (775) 323-5700  
[crzeh@aol.com](mailto:crzeh@aol.com)  
[pete@crzehlaw.com](mailto:pete@crzehlaw.com)

*Attorneys for Plaintiff*

*Attorneys for Defendants*

11 **ORDER**

12 Accordingly, and good cause appearing,

13 IT IS HEREBY ORDERED THAT, this case is stayed for all purposes until January 3, 2024,  
14 or until this Court grants a motion to lift the stay;

15 IT IS HEREBY FURTHER ORDERED THAT, the November 13, 2023, trial scheduling  
16 conference is VACATED;

17 IT IS HEREBY FURTHER ORDERED that the December 5, 2023, trial in this case is  
18 VACATED.

19 IT IS SO ORDERED.



20 **UNITED STATES DISTRICT JUDGE**

21 DATED: November 7, 2023

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**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that I am an employee of SIMONS HALL JOHNSTON PC, over 18 years of age, and that on this date I caused to be served a true copy of the foregoing **STIPULATION TO CONTINUANCE OF TRIAL; [PROPOSED] ORDER PURSUANT THERETO** on all parties to this action by the method(s) indicated below:

X I hereby certify that on the date below, I electronically filed the foregoing with the Clerk of the Court by using the ECF system which served the following registered parties electronically:

Charles R. Zeh  
Pete Cladianos III  
The Law Offices of Charles R. Zeh, Esq.  
50 West Liberty Street, Suite 950  
Reno, NV 89501  
[pete@crzehlaw.com](mailto:pete@crzehlaw.com)  
[crzeh@aol.com](mailto:crzeh@aol.com)

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct, and that this declaration was executed on November 7, 2023.

/s/ Terri Tribble  
An Employee of Simons Hall Johnston PC

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